

\$32,906,591 which amounts to 0.29002 percent of total inpatient and outpatient hospital net patient revenue of the assessed hospitals.

Dr. Courtney N. Phillips  
Secretary

2005#048

## POTPOURRI

### Department of Public Safety and Corrections Oil Spill Coordinator's Office

#### Notice of Settlement Agreement—Raphael Pass Oil Spill

**Action:** Notice of Availability of a Settlement Agreement for Natural Resource Damages – LOSCO NRDA an oil spill. The natural resource trustees for this incident include FWS, LOSCO, LDNR, LDEQ, LDWF, and CPRA (collectively, the “Trustees”). FWS is designated as a Trustee pursuant to Section 1006(b)(2) of OPA, 33 U.S.C. § 2706(b)(2), Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) (40 C.F.R. §§ 300.600, et seq.) and Executive Order 12580 (3 C.F.R., 1987 Comp. p. 193, 52 Fed. Reg. 2923 (January 23, 1987) as amended by Executive Order 12777 (56 Fed. Reg. 54757 (October 19, 1991)). LOSCO, LDNR, LDEQ, LDWF, and CPRA are designated as Trustees by the Governor of Louisiana pursuant to Section 1006(b)(3) of OPA, 33 U.S.C. § 3706(b)(3), and subpart G of the NCP. These same agencies serve as State Trustees under OSPRA according to R.S. 30:2451, et seq. and LAC 43:XXIX, Chapter 1, Section 101, et seq. Gulf Production Company, Inc. (“Gulf Production”), as the owner and operator of the storage tank that discharged oil, is the identified Responsible Party and is therefore liable according to 33 U.S.C. §2702 and R.S. 30:2480 for natural resource damages resulting from the incident.

**Summary of Incident:** On September 16, 2004, Hurricane Ivan made landfall in Alabama as a Category 3 hurricane, with feeder bands that brought storm surge and wind into Plaquemines Parish, Louisiana. A storage tank at Gulf Production’s Raphael Pass Field, Plaquemines Parish, Louisiana shifted off its foundation, lost structural integrity, and discharged an estimated 362 barrels of crude oil condensate into the surrounding Delta National Wildlife Refuge (the “Incident”). Federal and state entities responded to the Incident to support clean-up efforts and assess the impact on the resources affected by the oil. Natural resources within the area that provide services to the public were adversely impacted by the discharged oil and response actions, including marsh vegetation and sediments, resident and migratory birds, aquatic species, waterways and interior marsh ponds, as well as other flora and fauna.

On August 20, 2005, the Trustees issued a Notice of Intent to Conduct Restoration Planning for this Incident. The Trustees and Gulf Production worked to evaluate and quantify the nature and extent of injuries to natural resources and services, and to determine the need for, type of, and scale of appropriate restoration actions.

**Purpose:** Pursuant to LAC 43:XXIX.101, et seq., notice is hereby given that a document entitled, “Settlement Agreement—Raphael Pass Oil Spill” is available for public review and comment. Gulf Production and the Trustees propose a cash settlement amount to expedite restoration for this Incident and to resolve Gulf Production’s liability for natural resource damages under Section 1002(a) and (b) of OPA, 33 U.S.C. §2702(a) and (b), and Section 2480 of OSPRA, R.S. 30:2480. The mutual objectives of Gulf Production and the Trustees in entering into the proposed Settlement Agreement are:

(i) to provide funding to the Trustees to restore, replace, or acquire the equivalent of the natural resources injured, destroyed, or lost as a result of the Incident;

(ii) to provide payment to the Trustees to reimburse the remaining unpaid natural resource damage assessment costs incurred by the Trustees; and

(iii) to resolve the Trustees’ claims against Gulf Production for natural resource damages under OPA and OSPRA as provided herein.

The Settlement Agreement is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review the Settlement Agreement and submit comments to the address listed below. The Trustees will consider comments received during the public comment period on the Settlement Agreement before finalizing the document. The Trustees are in the process of identifying and evaluating potential restoration projects that will appropriately address injuries to natural resources resulting from the Incident.

**Public Participation:** Interested members of the public are invited to view the Settlement Agreement via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for Raphael Pass NRDA Settlement Agreement Available for Public Comment) or by requesting a copy of the document from Gina Muhs Saizan at the address provided below:

Gina Muhs Saizan  
Louisiana Oil Spill Coordinator’s Office  
Department of Public Safety and Corrections  
P.O. Box 66614  
Baton Rouge, LA 70896  
(225) 925-6606  
[Gina.Saizan@la.gov](mailto:Gina.Saizan@la.gov)

Public participation is encouraged. Opportunities to participate in the process include public availability of AR documents as well as an opportunity for the public to review and comment on draft restoration planning documents that will identify the Trustees’ preferred restoration project(s) for this Incident. A restoration plan(s) will be finalized and released to the public identifying the selected restoration project(s) to be implemented by the Trustees. Public participation is consistent with all state and federal laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. §2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX.101, et seq.

**Comment Submittals:** Comments to the Settlement Agreement must be submitted in writing or digitally to Gina Muhs Saizan on or before the end of the 30-day comment period.

**For Further Information:** Contact Gina Muhs Saizan at (225) 925-6606 or by email at [Gina.Saizan@la.gov](mailto:Gina.Saizan@la.gov).

Samuel E. Jones  
Oil Spill Coordinator

2005#041